

Serial No. 10/718,421
60130-1927;02MRA0547

REMARKS

Claims 2-4 and 6-23 are pending in the application including independent claims 2 and 13. Claims 1 and 5 have been cancelled. New dependent claims 24-25 have been added. Claims 7-9 and 17-19 are indicated as allowable if rewritten in independent form.

Claims 7, 9, 17 and 19 have solely been amended to provide consistent terminology. The amendments to these claims are not related to any objections or rejections set forth in the current action.

The specification is objected to for failing to provide antecedent basis for claim 5 and for the claim term "counterpart" as used in claims 7 and 8. Claim 5 has been cancelled. However, the specification does provide sufficient antecedent basis for the term "counterpart." See paragraphs [23] and [26], for example. Applicant asserts that all objections to the specification have been fully addressed.

The drawings stand objected to for failing to show the features of claim 5 and the releasable connection of claim 6. Claim 5 has been cancelled. The releasable connection of claim 6 is shown in Figure 5. Clip 36, which is connected to the longitudinal edge of roller blind 14, is releasably connected to detent web 34 of the guide rail 22. No correction to the drawings is required and applicant respectfully asserts that all drawing objections have now been overcome.

Claim 1 stands rejected under 35 U.S.C. 102(e) as being anticipated by Wingen. This rejection is moot as claim 1 has been cancelled.

Serial No. 10/718,421
60130-1927;02MRA0547

Claims 2-6, 13-16, and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wingen in view of Webasto (DE). Claims 2 and 13 include the feature of two guide rails that guide two longitudinal edges of the roller blind. The examiner admits that Wingen does not disclose this feature and relies on the teachings of Webasto to modify Wingen.

Wingen discloses a roof 2 having a shade 5 with a winding axle 6 that is mounted on cross member 7. Cross member 7 is movably supported on lateral rails 8, which extend lengthwise along the roof 2.

Webasto discloses a roller blind system where the coiling body 13 of the shade 14 is stationary, i.e., held fixed relative to the roof. The shade 14 includes cross strips 20 that run in guide rails at each side 26. The examiner argues that it would be obvious to modify Wingen with guide rails that guide edges of the roller blind as taught by Webasto. Applicant respectfully disagrees.

There is no suggestion or motivation to modify Wingen in the manner argued by the examiner because there is no benefit to do so. In Wingen, a guiding function for the shade 5, 11 is already provided by the cross member 7 moving within the lateral guide rails 8. There would be no reason to modify Wingen to provide an additional set of guide rails to guide the edges of the shade 5 in Wingen. Further, incorporating a second set of guide rails into Wingen would be difficult to package, in addition to increasing cost, increasing assembly time, etc., all of which are undesirable.

Serial No. 10/718,421
60130-1927;02MRA0547

The examiner has pointed to no teaching in Webasto of any particular benefit to using the guide rails to guide edges of the blind itself that would be applicable to Wingen. In addition, there is nothing in Wingen that would have led one of ordinary skill in the art to believe that Wingen's shade system was in any way deficient for Wingen's purposes or was in need of modification, especially as the Wingen shade system was specifically designed to achieve greater flexibility with regard to shade use by mounting the shades 5, 11 to a sliding cross member 7. The examiner is engaging in a hindsight reconstruction of the claimed invention, using applicant's structure as a template and selecting elements from the references to fill the gaps. This is not the proper basis for sustaining an obviousness rejection.

Further, it is improper to modify a base reference in a manner that makes the base reference unsatisfactory for its intended purpose. The main benefit provided by Wingen is that the coiling bodies 6, 12 can be shifted by moving the cross member 7 to provide greater flexibility in sunshade arrangements. See column 1, line 59 through column 2, line 14. In this configuration, the longitudinal edges of the shades 5, 11 extend freely between the coiling bodies 6, 12 and their respective ends attached to a vehicle structure 10. Using a coiling body 6, 12, that can be shifted by translational motion as shown in Wingen, would not work with the guide rails disclosed by Webasto.

Webasto teaches a combination of a fixed coiling body 13 with an extendable shade 14 that is guided by guide rails. The guide rails receive outer edges of cross strips 20 extending laterally across the shade 14. Insertion of these cross strips 20 into the guide rails, to move the

Serial No. 10/718,421
60130-1927:02MRA0547

shade 14 from a retracted position to an extended position, is only possible when starting from the front end of the guide rail, which is adjacent to the coiling body 13. If the coiling body was shiftable, it would not be possible to engage the cross strips 20 in the guide rails as taught by Webasto.

Finally, even if proper motivation or suggestion can be found to support a modification of Wingen, the references together do not teach the claimed combination of elements. As shown in Figure 2, pin ends extending outwardly from the cross strips 20 on the shade 14 are received in the guide rails. The edges of the shade 14 itself are clearly shown as being spaced apart from the guide rails. None of the cited references discloses a shiftable coiling body in combination with a blind that has longitudinal edges received in guide rails. This combination is only found in applicant's disclosure.

The dependent claims are also not rendered obvious by the combination of Wingen and Webasto. For example, claim 3 specifies that the coiling body is guided within the same guide rails that guide the longitudinal edges of the roller blind. This feature is not taught by any of the references. Wingen teaches only guiding the coiling body within a guide rail. Webasto teaches only guiding the longitudinal edges of the shade within a guide rail. Neither reference teaches guiding both the coiling body and a longitudinal edge of the shade in a common guide rail. This is only found in applicant's disclosure.

Further with regard to claim 1, the examiner argued it would be obvious to incorporate an additional set of rails into Wingen to guide the longitudinal edges of the shades 5, 7. Now with

Serial No. 10/718,421
60130-1927;02MRA0547

regard to claim 3 the examiner argues that it would be obvious to integrate the two adjacent guide tracks into a single structure to ease assembly. Again, applicant disagrees. Improving ease of assembly is not needed because there is no reason to guide the shade edges in Wingen in the guide rails in the first place. As discussed above, there is no benefit provided to Wingen by including an additional guide rail for the shade edges. Further, there is no benefit to subsequently incorporate this unnecessary track into the existing Wingen guide rail. To do so would result in an additional portion being formed on the rail to guide the shade. This would increase the cost of the rail by making the rail itself a more complicated design.

Claims 6 and 16 are also not rendered obvious by the recited combination of references. Claims 6 and 16 specify that the edges of the roller are releasably connected to the guide rails. Webasto does not disclose or teach this feature. As discussed above, the edges of the shade 14 in Webasto are clearly shown as being spaced apart from the guide rails and thus cannot be releasably connected to the guide rails.

Thus, for the many reasons set forth above, the rejection of claims 2-6, 13-16, and 23 is improper and applicant respectfully requests that the rejection be withdrawn.

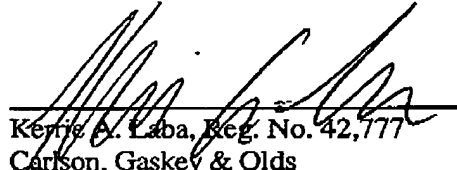
Claims 10-12 and 20-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wingen in view of Sakurai. Claims 10-12 have been amended to depend from claim 2. Claims 20-22 depend from claim 13. Both claims 2 and 13 include the feature of the longitudinal edges of the roller being guided in guide rails. For the reasons set forth above, Wingen does not disclose, suggest, or teach this feature. Sakurai does not make up for the deficiencies of Wingen.

Serial No. 10/718,421
60130-1927;02MRA0547

Thus, the rejection is improper and applicant respectfully requests that the rejection be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. As two claims were cancelled, Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

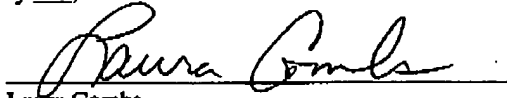
Respectfully submitted,


Keryle A. Loba, Reg. No. 42,777
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: January 11, 2005

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306, on January 11, 2005.


Laura Combs